IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 7584 of 2007(C)

PETITIONERS:
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1. JACOB MILTON, S/O.PONNAPPAN,
AGED 45 YEARS, KALATHIL VEEDU,
MUNDAMVELY P.O., PALLURUTHY VILLAGE, KOCHI.

2. V.RADHAKRISHNAN, S/O.MANICHAN,
AGED 53 YEARS, VARIKKAKUZHY HOUSE,
MAMBRA P.O., KALLOOR, THEKKUMMURI VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.T.V.GEORGE
SMT.LINDA GEORGE
SRI.K.N.BALACHANDRA KAIMAL

RESPONDENTS:
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1. KERALA STATE FINANCIAL ENTERPRISES
LTD., REP. BY ITS MANAGING DIRECTOR,
THRISSUR.

2. BRANCH MANAGER, KERALA STATE
FINANCIAL ENTERPRISES, PALARIVATTOM BRANCH,
ERNAKULAM.

3. SPECIAL DY.TAHSILDAR (RR),
KERALA STATE FINANCIAL ENTERPRISES OFFICE,
ERNAKULAM.

4. DISTRICT COLLECTOR, ERNAKULAM.

5. S.GOPINATHAN, "NIDHA NIVAS",
THRIKKAKARA NORTH, ERNAKULAM.

6. KERALA STATE ROAD TRANSPORT
CORPORATION, REP. BY ITS CHAIRMAN,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, TRIVANDRUM.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.
ADV. SRI. JOHNSON.P.JOHN, SC KRTC
GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 7584 OF 2007-C

JUDGMENT

The petitioners are the sureties for a loan availed of by the 5th respondent. Since the said respondent has defaulted, recovery steps are taken against the petitioners. Earlier when recovery steps were taken, the petitioners have approached this Court twice. The first writ petition was disposed of by Ext.P1 judgment. The 2nd petitioner herein again approached this Court, and the said writ petition was disposed of by Ext.P2 judgment. The first writ petition was disposed of, directing to consider the representations filed by the petitioners. The second writ petition was disposed of, ordering that the recovery shall be made only subject to Section 60 of the C.P.C., read with Section 80 of the Revenue Recovery Act. In both the writ petitions, there was direction to sell off the property of the defaulter. But, the proceedings against the petitioners were not interdicted till the sale of the property of the defaulter. Now, again Ext.P3 notice has been issued by the K.S.F.E to the concerned officer of the K.S.R.T.C., to recover from the salary of the petitioners. I find nothing illegal with the said notice. As long as the petitioners are sureties, they are liable to pay the

amount due to the K.S.F.E. There is already a direction in favour of the 2nd petitioner that the recovery will be subject to Section 80 of the Revenue Recovery Act. It is ordered that the 1st petitioner will also be entitled to get the benefit of that provision.

The Writ Petition is disposed of as above.

7th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/